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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,103	11/05/2001	Isabelle Agulhon	FR920000055US1	7500
7590	03/31/2004		EXAMINER	
William A. Kinnaman, Jr. IBM Corporation 2455 South Road M/S P386 Poughkeepsie, NY 12601			LE, UYEN T	
			ART UNIT	PAPER NUMBER
			2171	

DATE MAILED: 03/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/992,103	AGULHON, ISABELLE
	<b>Examiner</b>	<b>Art Unit</b>
	Uyen T. Le	2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 22 January 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br/>           Paper No(s)/Mail Date _____.</li> </ol> | <ol style="list-style-type: none"> <li>4)<input type="checkbox"/> Interview Summary (PTO-413)<br/>           Paper No(s)/Mail Date. _____.</li> <li>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6)<input type="checkbox"/> Other: _____.</li> </ol> |
|---|---|

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's arguments regarding Wiese and Pisello have been fully considered but they are not persuasive. Applicant seems to argue limitations not reflected in the claims.

Applicant argues that the identification data of the references is not contained in a separate file. In response, claims 1, 9, 12 do not require a separate file for the descriptor file.

Applicant further argues that Pisello "teaches the bulk transfer of files but does not contemplate transferring information indicating the location of such files in the directory structure of a file system and thus does not teach transmitting a file system including folders and data files". In response, applicant makes no reference to "location" in the specification or the claims. Furthermore, the claimed folders merely appear in the preamble of claims 1, 9, 12 and do not seem to play any role in the body of the claims.

Applicant argues that no reference teaches an environment parameter set with a value got from the descriptor file. In response, the claimed environment parameter merely reads on the fact that any file has to be associated with information such as where it is stored, where it is located in the directory structure, its' naming convention, the operating system that generated that file and so forth. Thus, it has to be obtained from the descriptor file in order to reconstruct the archive file in Pisello.

Applicant presents no further arguments. For all the reasons discussed above, rejection to all claims is maintained using the references of record.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3 are rejected under 35 U.S.C. 102(a), (e) as being anticipated by Wiese (US 6,108,707) of record.

Regarding claim 1, Wiese discloses the claimed method (see the abstract). The claimed “building in said source data storage at least one file object containing a data package to be transferred” is met by the fact that any file to be transferred in the method of Wiese is built of blocks of data. The claimed “generating a descriptor file including parameters associated with said file object” is met by the fact that any file includes identification data. The claimed “generating an archive file including said data package” is met by the fact that the method of Wiese archives a file to be transferred (see column 4, lines 18-33). The claimed “transmitting said descriptor file and said archive file from said source data processing unit to said destination data processing unit over said transfer medium” is met by the fact that the archive file including identification and blocks of data is transferred to a destination location on the network (see Figures 2, 3, column 3, line 55- column 5, line 22).

Regarding claim 2, Wiese discloses building a file object by using a file transfer tool model including a header and body (see Figure 3). The claimed functions have to be present for the file and its data package to be archived in a directory with information regarding how much memory it takes and which version it is.

Claim 3 merely reads on the fact that any electronic file is associated with a directory.

3. Claims 1-14 are rejected under 35 U.S.C. 102(a), (e) as being anticipated by Pisello et al (US 5,495,607) of record.

Regarding claim 1, Pisello discloses the claimed method (see Figures 5, 6, column 23, line 37- column 28, line 64). The claimed "building in said source data storage at least one file object containing a data package to be transferred" is met by the fact that any file to be transferred is built of blocks of data. The claimed "generating a descriptor file including parameters associated with said file object" is met by the fact that any file includes identification data (see column 13, lines 14-35). The claimed "generating an archive file including said data package" is met by the fact that the method of Pisello archives a file (see column 7, lines 22-25, column 13, lines 65-67). The claimed "transmitting said descriptor file and said archive file from said source data processing unit to said destination data processing unit over said transfer medium" is met by the fact that the archive file including identification and blocks of data is transferred to a destination location on the network (see column 15, lines 3-9).

Regarding claim 2, any file object has to have a header and a body as claimed. Furthermore, Pisello discloses building a file object by using a file transfer tool model when Pisello shows the archive data storage and retrieval means (see column 7, lines 22-30). The claimed functions have to be present for the file and its data package to be archived in a directory with information regarding how much memory it takes and which version it is.

Regarding claim 3, Pisello discloses that said file object is a component object corresponding to files which are associated with a directory (see column 9, lines 20-26).

Regarding claim 4, Pisello discloses that said object file is an object corresponding to files which are associated with a root directory (see column 9, lines 27-67).

Regarding claim 5, Pisello discloses the claimed steps of defining the descriptor file and setting a directory name when Pisello shows the path to a file (see Table 1). The claimed "creating said archive file from the data package" is met by the fact that the method of Pisello archives a file (see column 7, lines 22-25, column 13, lines 65-67). The claimed "setting remaining parameters in said descriptor file" is met when Pisello shows other attributes of a file (see Tables 1, 2).

Regarding claim 6, Pisello discloses the remaining parameters comprise installed directory, size and versions (see Tables 1, 2, column 15, lines 3-9).

Regarding claim 7, the claimed steps merely installs the archive file at the destination data storage. Pisello discloses such features when Pisello shows the

migration commands and archive storage means for receiving archive files (see column 9, lines 2-67).

Claim 8 merely recites the limitations of claim 7 without the limitations of its parent claim 1, thus is rejected for the same reasons stated in claim 7 above.

Claims 9, 10, 11 correspond respectively to a system for claims 1, 7, 8, thus are rejected for the same reasons stated in claims 1, 7, 8 above.

Claims 12, 13, 14 correspond respectively to a computer program product for claims 1, 7, 8, thus are rejected for the same reasons stated in claims 1, 7, 8 above.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wanchoo et al (US 2004/0015960) teach loading and executing an application in an embedded environment.

DeAnna et al (US 2003/0084056) teach a system for development, management and operation of distributed clients and servers.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen T. Le whose telephone number is 703-305-4134. The examiner can normally be reached on M-F 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahić can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2171

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

25 March 2004



UYEN LE  
PRIMARY EXAMINER